IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

CIVIL WRITS No. 930 of 2004

STATE OF RAJ.
V/S
MST.SHYOPATI

Mr. SN TIWARI,DY.G.A., for the appellant / petitioner

Date of Order : 11.10.2004

HON'BLE SHRI N P GUPTA,J.

ORDER

Heard learned counsel for the petitioner.

The petitioner has assailed the order of Board of Revenue, being Annex.3 substantially rather mainly, on the ground that Board of Revenue allowed the allottee to produce the documents on record, and no opportunity was given to the petitioner to give rebuttal thereof. The other ground raised is that the arguments were heard by the Board of Revenue in the case on 9.9.2002, and during the course of arguments, neither any request was made by the allottee to submit the written arguments nor any order was passed by the Board of Revenue in that regard. Still the Board of Revenue accepted the written arguments on 15.9.2002, “that too, without supplying the copy of the same in order to facilitate the petitioner to rebut the same”. The matter came up before me on 13.7.2004, on that day, precise submissions were seriously argued before me, thereafter record was called for. The record of Board of Revenue has been received, and what I find is that, application under O.41 R.27 CPC was filed way back on 24.7.2000, seeking to take four documents on record detailed in that application, and copy of this application was furnished to the present petitioner on that day itself, but till the matter was decided, even no reply was filed nor any prayer was ever made for seeking to produce documents in rebuttal. Much stress

was placed today on the order-sheet dated 30.11.2000 wherein it is recorded that counsel for private respondents filed application, and sought time to produce documents, which was allowed and file was adjourned to 8.1.2001. Suffice it to say, again then after 30.11.2000, even according to the order-sheet, no documents have been produced. I perused the application also, finding it at page 32 of the record, and find that in that application, although it was prayed that sometime may be granted to produce the documents on record, but then it is nothing on record to show that on 30.11.2000, no document was on record. Not only this, even the Board of Revenue has not relied upon any of the documents that may have been produced by the present private respondent on or after 30.11.2000.

Coming to the contention of written arguments, it appears that, that bears an endorsement of copy thereof, having been delivered to the present petitioner at that time itself. Thus it is clear that writ petition has been filed pre-dominantly on mis-statement of facts, as such, same is dismissed summarily.

(N P GUPTA),J.

/Srawat/